

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

LAMAR SIMMONS,

Petitioner,

v.

WARDEN, LONDON
CORR. INST.,

Respondent.

Case No. 1:16-CV-00414

JUDGE DOUGLAS R. COLE

Magistrate Judge Michael R. Merz

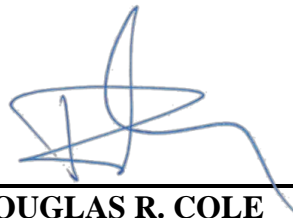
ORDER

This cause comes before the Court on the Magistrate Judge's December 31, 2019 Report and Recommendations ("R&R") (ECF No. 37) recommending this Court dismiss the Petition for Writ of Habeas Corpus ("Petition") (ECF No. 1) with prejudice. The R&R advised Petitioner that a failure to object within the 17 days specified by the R&R may result in forfeiture of rights on appeal, which includes the right to District Court review. (*See* ECF No. 37, PageID 2036). *See also Thomas v. Arn*, 474 U.S. 140, 149–53 (1985) ("There is no indication that Congress, in enacting § 636(b)(1)(C), intended to require a district judge to review a magistrate's report to which no objections are filed."); *Berkshire v. Beauvais*, 928 F.3d 520, 530–31 (6th Cir. 2019) (noting "*fail[ure] to file* an objection to the magistrate judge's R & R ... is forfeiture, not waiver") (emphasis original); 28 U.S.C. § 636(b)(1)(C). The time for filing objections has passed and none have been filed. Therefore, the Court **ADOPTS** the Report and Recommendations, **DISMISSES** the Petition **with PREJUDICE**, and **DIRECTS** the Clerk to enter judgment accordingly.

SO ORDERED.

January 30, 2020

DATE



DOUGLAS R. COLE
UNITED STATES DISTRICT JUDGE